

**S.R. 369** - By McFarland: Extending welcome to Bill and Jane Carlisle.

**S.R. 370** - By McFarland: Extending welcome to Mrs. Joyce Miller.

**S.R. 371** - By McFarland: Extending welcome to Mrs. Barbara Harris.

**S.R. 372** - By McFarland: Extending welcome to Mrs. June Armstrong.

**S.R. 373** - By McFarland: Extending welcome to Mrs. Karen Herrin.

**S.R. 374** - By McFarland: Extending welcome to Jay R. Dailey.

**S.R. 375** - By McFarland: Extending welcome to Ron Lopez.

**S.R. 376** - By McFarland: Extending welcome to John Davis.

**S.R. 377** - By McFarland: Extending welcome to Jeff Holler.

**S.R. 378** - By McFarland: Extending welcome to Kenneth Phillips.

### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:25 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, March 28, 1983.

### **APPENDIX**

Sent to Comptroller  
(March 23, 1983)

**S.B. 345**

**S.B. 589**

Sent to Governor  
(March 24, 1983)

**S.B. 345**

**S.B. 589**

### **FORTY-SECOND DAY** (Monday, March 28, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Clarence Bassett, El Buen Pastor Presbyterian Church, Austin, offered the invocation as follows:

We give Thee thanks, O God, for this day, for all Thy working in our lives to this hour. Show us how to be faithful — faithful to those who have given their lives — faithful to those who have chosen us to serve in special ways. Give us understanding — understanding of all who differ with us; greater awareness of our own prejudices and weaknesses. Give us strength and courage and wisdom. Keep

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 24, 1983, was dispensed with and the Journal was approved.

On motion of Senator Whitmire and by unanimous consent, Senator Parmer will be shown as Co-author of S.B. 966.

Senator Harris submitted the following report for the Committee on Economic Development:

Senator Parker submitted the following report for the Committee on Education:

On motion of Senator Brooks and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 1260 by Truan** **Natural Resources**  
**Relating to the composition, selection, and terms of office of members of the port commission for the Port of Corpus Christi Authority of Nueces County, Texas.**

**S.B. 1261** by Truan Natural Resources  
Relating to the election and terms of office of the members of the board of supervisors of the Willacy County Drainage District No. 1.

**S.B. 1262** by Santiesteban Health and Human Resources  
Relating to the administration and provision of drugs by a licensed veterinarian or by a person designated by a licensed veterinarian.

**S.B. 1263** by Santiesteban Intergovernmental Relations  
Relating to the creation of two judicial districts composed of El Paso County.

**S.B. 1264** by Santiesteban Jurisprudence  
Relating to extensions of time for certain filing deadlines in an appeal of a criminal case.

**S.B. 1265** by Santiesteban State Affairs  
Relating to the powers and status of the Tribal Councils and tribal businesses of the Alabama-Coushatta and the Tigua Indian Tribes.

**S.B. 1266** by Washington Education  
Relating to the election of county school trustees and members of county boards of education.

#### SENATE RESOLUTION 385

Senator Glasgow offered the following resolution:

**S.R. 385**, Extending greetings and congratulations to Gloria Gilbert, Miss Texas of 1982.

The resolution was read and was adopted.

#### GUEST PRESENTED

Senator Glasgow was recognized and presented Miss Gilbert to the Members.

The President presented a Texas flag to Miss Gilbert.

Miss Gilbert expressed her appreciation for the recognition and the honor of representing Texas.

#### SENATE RESOLUTION 388

Senator Doggett offered the following resolution:

**S.R. 388**, Welcoming conferees attending a State Legislative Conference sponsored by the Texas Federation of Business and Professional Women's Clubs, Inc.

The resolution was read and was adopted.

#### GUESTS PRESENTED

Senator Doggett was recognized and presented a group of the conferees who were seated in the gallery.

#### SENATE RESOLUTION 384

Senator Traeger offered the following resolution:

**S.R. 384**, Welcoming James Louis Clay, Honorary Page for the Day.

The resolution was read and was adopted.

**HOUSE CONCURRENT RESOLUTION 96**

The President laid before the Senate the following resolution:

**H.C.R. 96**, Inviting the Honorable Walter F. Mondale to address a Joint Session of the Legislature.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

**SENATE BILL 640 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 640**, Relating to credit earned by a prisoner toward reduction of a sentence.

The bill was read second time.

Senator McFarland offered the following committee amendment to the bill:

Amend **S.B. 640** as follows:

Strike line 24 on page 1 and strike lines 1 through 4 on page 2 and substitute in lieu thereof the following:

and may award good conduct time to the prisoner up to an amount equal to that which the prisoner could have accrued during such period if incarcerated in the department.

(d) An inmate shall accrue good conduct time, in an amount determined by the director which shall not exceed 15 days for each 30 days actually served, for participation in an educational or

The committee amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**SENATE BILL 640 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 640** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 737 ON SECOND READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 737**, Relating to the method by which the comptroller determines a tax liability.

The bill was read second time and was passed to engrossment.

**SENATE BILL 737 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 737 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 670 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 670**, Relating to supplemental appropriations to Texas A&M University and to the Texas Agricultural Experiment Station to replace property destroyed by fire. (Submitted by Governor as an emergency)

The bill was read second time and was passed to engrossment.

**SENATE BILL 670 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 670 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 986 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 986**, Relating to the due dates of the public utilities gross receipts assessment and the interest rate on delinquent assessments.

The bill was read second time and was passed to engrossment.

**SENATE BILL 986 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 986 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 126 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 126**, Relating to the authority of the Texas Department of Mental Health and Mental Retardation and the community centers created pursuant to Article 5547-203, Vernon's Texas Civil Statutes, to receive conviction data on applicants for employment.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 126 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 126** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 658 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 658**, Providing for successor liability for hotel occupancy tax.

The bill was read second time and was passed to engrossment.

**SENATE BILL 658 ON THIRD READING**

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 658** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 244 ON SECOND READING**

Senator Washington asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 244**, Relating to the mandatory use of interest earned on certain client funds held by attorneys to provide legal services to the indigent in civil matters.

There was objection.

Senator Washington then moved to suspend the regular order of business and take up **S.B. 244** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Brooks, Caperton, Doggett, Edwards, Farabee, Kothmann, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Brown, Glasgow, Harris, Henderson, Howard, Jones, Leedom, Lyon, Sarpalius.

The bill was read second time.

Senator Washington offered the following committee amendment to the bill:

Amend S.B. 244 as follows:

Add at page 3, line 4, between the word "corporation" and "and" the words , depository institutions,

The committee amendment was read and was adopted.

Senator Washington offered the following committee amendment to the bill:

Amend S.B. 244 as follows:

At page 5, line 8, strike the word "demand"

At page 5, line 26, strike the word "demand"

At page 6, line 4, strike the word "demand"

The committee amendment was read and was adopted.

Senator Washington offered the following committee amendment to the bill:

Amend S.B. 244 as follows:

By deleting at page 6, line 7, the word "size" and adding in its place, the word "type".

The committee amendment was read and was adopted.

(Senator Uribe in Chair)

Senator Washington offered the following committee amendment to the bill:

Amend S.B. 244 as follows:

By deleting at page 6, lines 18 and 19 the following language: "on the average daily balance"

The committee amendment was read and was adopted.

Senator Washington offered the following committee amendment to the bill:

Amend S.B. 244 as follows:

Amend Sec. 6(c)(2), beginning at page 6, line 21 to read as follows:

To transmit to the depositing attorney, law firm, or professional corporation and to the nonprofit corporation authorized by this article with each remittance a statement showing the name of the attorney, law firm or professional corporation with respect to which the remittance is sent, the rate of interest or effective yield, the amount of service charges deducted, if any, and all other information given to the depository institutions and other customers having similiar type accounts.

The committee amendment was read and was adopted.

Senator Washington offered the following committee amendment to the bill:

Amend S.B. 244 as follows:

strike page 6, line 26, through page 7, line 5.

The committee amendment was read and was adopted.

Senator Washington offered the following committee amendment to the bill:

Amend S.B. 244 as follows:

Add Section 9 at page 7:

LIABILITY OF DEPOSITORY INSTITUTION. A depository institution is not liable for any acts or omissions which it, in good faith, does or fails to do in the belief that it is acting in compliance with this Act or the rules promulgated thereunder.

The committee amendment was read and was adopted.

Senator Washington offered the following amendment to the bill:

Amend subsection (c) of Section 4 of S.B. 244 to read as follows:

(c) The nonprofit corporation authorized by this article shall be governed by a board of directors composed of the chief justice of the supreme court, the president of the State Bar of Texas, and any other persons as may be designated by the supreme court. At least one-third of the members of the board of directors may not be attorneys and may not have other than as consumers a financial interest in the practice of law. Appointments to the council shall be made with due regard to the race, creed, sex, religion, and national origin of the appointees and the geographical representation of the members of the council.

The amendment was read and was adopted.

On motion of Senator Washington and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 22, Nays 9.

Yeas: Brooks, Caperton, Doggett, Edwards, Farabee, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Brown, Glasgow, Harris, Henderson, Howard, Jones, Leedom, Sarpalius.

#### COMMITTEE SUBSTITUTE SENATE BILL 7 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 7, Relating to the insanity defense in criminal prosecutions and to commitment of persons acquitted by reason of insanity; amending Subsection (a), Section 8.01, Penal Code; and amending Article 46.03, Code of Criminal Procedure, 1965, as amended, by amending Sections 1 and 4.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend Section 2, C.S.S.B. 7, by adding subsection (e) to Article 46.03, Code of Criminal Procedure, to read as follows:

"(e) The court, the attorney for the state, or the attorney for the defendant may not inform a juror or a prospective juror of the consequences to the defendant if a verdict of not guilty by reason of insanity is returned."

The amendment was read.

(President in Chair)



Senator Santiesteban moved to table the amendment. The motion was lost by the following vote: Yeas 5, Nays 25.

Yeas: Mauzy, Santiesteban, Truan, Uribe, Vale.

Nays: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Whitmire, Williams.

Absent: Washington.

Question recurring on adoption of the amendment, the amendment was adopted.

### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### COMMITTEE SUBSTITUTE SENATE BILL 7 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

### HOUSE BILL 164 REREFERRED

On motion of Senator Lyon and by unanimous consent, H.B. 164 was withdrawn from the Committee on Jurisprudence and rereferred to the Committee on Intergovernmental Relations.

### SENATE RULE 103 SUSPENDED

On motion of Senator Traeger and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider H.B. 164 tomorrow.

### BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 94

S.B. 131

S.B. 182

S.B. 259

### MEMORIAL RESOLUTION

S.R. 387 - By Sims: Memorial resolution for Oliver H. Otto.

### WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 56 - By Farabee: Extending congratulations to Gary Cook on his nomination as one of the "Rising Stars of Texas".

**S.R. 381** - By Brooks: Commending Charles Delgado for his contributions to the State.

**S.R. 382** - By Leedom: Extending welcome to Charles Russell, Honorary Page for the Day.

**S.R. 383** - By Leedom: Extending welcome to David Russell, Honorary Page for the Day.

**S.R. 386** - By Harris: Extending welcome to the Richardson Junior Girl Scout Troop #1873.

### ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:29 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

### APPENDIX

Signed by Governor  
(March 23, 1983)

**H.C.R. 101**  
**H.C.R. 94**

Signed by Governor  
(March 24, 1983)

**S.B. 589** (Effective immediately)

Sent to Governor  
(March 28, 1983)

**S.B. 94**  
**S.B. 131**  
**S.B. 182**  
**S.B. 259**

### FORTY-THIRD DAY (Tuesday, March 29, 1983)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Clarence Bassett, El Buen Pastor Presbyterian Church, Austin, offered the invocation as follows:

We thank Thee, O God, for Thy presence, for Thy gift of democracy, for leaders. Today we thank Thee for all who are here to see for themselves something of the way this Senate does its work. Guide each Senator, and each employee. Guide every other person involved in the complex, crucial